

Forest Land- Gadchiroli.

Diversion of 4.50 ha. forest land under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for construction of Government Medical College at Compt. No.170, Survey No.100 in Village- Devapur (Rith), District- Gadchiroli in the State of Maharashtra.

**Government of Maharashtra
Revenue and Forest Department
Government Order No.: FLD-36A24/C.R.67/F-10
Mantralaya, Mumbai-400 032
Date:- 12.03.2024**

Reference:-

Additional Principal Chief Conservator of Forests & Nodal Officer, MS, Nagpur
Letter No. Desk-17/FCA-S1/PID-442331/ Gadchiroli/3197, Dated- 15.02.2024.

Preamble:-

Additional Principal Chief Conservator of Forests & Nodal Officer, MS, Nagpur has submitted a proposal for diversion of 4.50 ha. forest land under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for construction of Government Medical College at Compt. No.170, Survey No.100 in Village- Devapur (Rith), District- Gadchiroli in the State of Maharashtra.

Order:-

In exercise of powers under general approval given by MoEF&CC, Govt. of India vide Handbook of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 Guidelines-2023, Chapter 4 (para-4.1), Government of Maharashtra is pleased to grant 'In-Principle' approval to the diversion of 4.50 ha. forest land for construction of Government Medical College at Compt. No.170, Survey No.100 in Village- Devapur (Rith), District- Gadchiroli in the State of Maharashtra.

The details of Forest Land proposed for diversion are as under:-

Sr. No .	Item of work/ Purpose	Name of Village	Compt. No.	Survey No.	Length in (m.)	Width in (m.)	Area in (sq.m.)	Area in (ha.)	Legal status
1	U G BOY'S HOSTEL (A)	Devapur (Rith)	170	100	59.50	34.59	2058.105	0.2058	PF
2	HOSTEL AMENITIS-02 (B)				42.46	42.09	1787.1414	0.1787	
3	HOSTEL AMENITIS-01(C)				46.88	38.70	1814.256	0.1814	
4	RESIDENT HOSTEL (D)				56.84	31.20	1773.408	0.1773	
5	MEDICAL COLLEGE LAB (E)				108.85	51.99	5659.1115	0.5659	
6	MEDICAL COLLEGE (F)				51.99	29.52	1534.7448	0.1535	
7	GARDEN (G-1)				47.99	24.99	1199.2701	0.1199	

8	GARDEN (G-2)				188.10	88.01	16554.681	1.6555	
9	ROAD (7.5 W) (H)				417.25	7.50	3129.375	0.3129	
10	ROAD (9.0 W)				507.48	9.00	4567.32	0.4567	
11	ROAD (18.0 W)				195.80	18.00	3524.4	0.3524	
12	PARKING & OPEN SPACE (I)				141.41	9.90	1400	0.1400	
	Total Area						45001.8128	4.50	

2. This 'In-Principle' approval is subject to the following conditions-

- 1) The legal status of the land shall remain unchanged.
- 2) Deputy Conservator of Forests has certified that proposed forest area is part of Tiger Corridor of Tiger Conservation Plan (TCP) of Tadoba Andhari Tiger Reserve, therefore user agency shall obtain wildlife clearance and / or ensure compliance of mitigation measures if required and suggested by the PCCF (Wildlife).
- 3) User Agency has proposed 4.50 ha. Non-forest land that has been given by the District Collector in Village Sonsari, Taluka Kurkheda, District Gadchiroli in Survey No. 216/1/B. KML File shows that, the non-forest land proposed for Compensatory Afforestation, more than 50% of its part is covered with trees. This forest land has dense forest cover, contiguous to Forest land and suitable for management purpose and free from encroachment and encumbrances. Hence, this non-forest land can be accepted in lieu of forest land, irrespective of crown density. Therefore, Deputy Conservator of Forest shall propose 4.50 ha. degraded forest land for compensatory afforestation and accordingly, implement the Compensatory afforestation scheme on the degraded forest land and submit the record of rights and KML file along with the Stage-1 Compliance Report.
- 4) The Project Authority has not mentioned the access road to the college in the layout plan. The Deputy Conservator of Forests shall clarify whether a fresh proposal for the access road to the college is being submitted or not, along with Stage-1 compliance
- 5) On perusal of the KML file, it is seen that there is ground and construction beside the proposed college. Therefore, the Deputy Conservator of Forests should ensure that there is no violation of the Forest (Protection and Conservation) Act, 1980.
- 6) The demarcation of the proposed forest area shall be carried out at suitable places as per the direction of the DCF concerned at the cost of User Agency.
- 7) Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.
- 8) **Compensatory Afforestation:-**
 - a) Compensatory afforestation shall be taken up by the Forest Department over 4.50 ha. non-forest land that has been given by the District Collector, Gadchiroli in Village-Sonsari, Taluka-Kurkheda, District-Gadchiroli in Survey No.216/1/B at the cost of the User Agency;
 - b) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The CA scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;

9) Net Present Value:-

- a) The Forest Department shall charge the Net Present Value (NPV) for the 4.5 ha. Forest land to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No.566 in WP (C) No.202/1995 and as per the guidelines issued by the Ministry vide letters No.5-1/1998-FC (Pt.II), dated 18/09/2003 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009 & File No.5-3/2011-FC(Vol-I), Dated 06/01/2022 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged from the User Agency. The User Agency shall furnish an undertaking to this effect.
- 10) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the 'Final' approval under the Adhiniyam:
- 11) The non-forest land transferred and mutated in favour of the State Forest Department or the revenue forest land, as the case may be, shall be notified by the State Government as Protected Forests under section 29 of the Indian Forest Act, 1927 or under the relevant section(s) of the local Forest Act, before issue of the "Final' approval under the Adhiniyam. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land as PF, along with compliance of 'in-principle' approval:
- 12) To improve the Forest / Tree cover and to reduce pollution in the State, as mandate in National Forest Policy, 1988 and Environmental (Protection) Act, 1986 respectively, the User Agency with involvement of Joint Forest Management Committees (JFMC's) and in consultation with local DCF shall raise at least 5,000 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/local for 10 years. At least 50% of seedlings shall be planted by User Agency in the vicinity of project area including forest area and remaining 50% of seedling shall be distributed among villagers as per choice of villagers. The concerned JFMC's shall maintain record of plantation / seedling distribution to villagers.
- 13) All the funds received from the User Agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivehs.nic.in>);
- 14) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 15) No labour camp shall be established on the forest land and the User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- 16) The User Agency shall ensure that because of this project, no damage is caused to the wildlife available in the area;
- 17) The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;

- 18) The user agency in consultation with the concerned Deputy Conservator of forest shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- 19) The total forest area utilized for this project shall not exceed 4.50 ha. and the forest area diverted shall not be used for any purpose other than those shown in the diversion proposal. The User Agency shall furnish an undertaking to this effect;
- 20) The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- 21) User Agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- 22) Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourers after purchasing the same from the State Forest Department or the Forest development Corporation or any other legal source of alternate fuel;
- 23) The User Agency shall ensure compliance to all acts, rules, regulations and guidelines of the Ministry for the time being in force, as applicable to the subject project;
- 24) The layout plan of the proposal shall not be changed without prior approval of State Government (Forest Department).
- 25) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- 26) The forest land shall not be used for any purpose other than that specified in the project proposal.
- 27) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of the State and Central Government.
- 28) This approval shall be valid only for the diversion of forest land outside the confines of the Protected Areas.
- 29) This sanction is subject to the final clearance by the competent authorities for the project.
- 30) All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied by the User Agency.
- 31) Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as per the provision of Adhiniyam and rules / guidelines issued there under;
- 32) Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
- 33) Any breach of the conditions by the User Agency will be treated as violation of the provisions of the Forest (Conservation) Act, 1980.
- 34) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

3. This Government Order is available at the Government of Maharashtra's website www.maharashtra.gov.in with reference No. 202403121800055319. This Order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

(Ganesh Jadhao)
Under Secretary to the Government of Maharashtra

Copy to:-

1. Secretary, Ministry of Environment, Forests & Climate Change, Government of India, New Delhi
2. Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State, Nagpur.
3. Deputy Director General of Forest (Central), Integrated Regional Office, Ministry of Environment, Forests & Climate Change, Government of India, Nagpur.
4. Additional Principal Chief Conservator of Forests & Nodal Officer, M.S., Nagpur
5. Principal Chief Conservator of Forests & CEO (Maha-CAMPA), M.S., Nagpur
6. Additional Principal Chief Conservator of Forests (Conservation), M.S., Nagpur
7. Collector, Gadchiroli.
8. Chief Executive Officer, Zilha Parishad, Gadchiroli.
9. Chief Conservator of Forests (T), Gadchiroli.
10. Deputy Conservator of Forests, Gadchiroli.
11. The Dean, Government Medical College, Gadchiroli
12. Select File (F-10)